

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201704914	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/10/2017 6:20 PM	Location of Incident: § 87(2)(b) 114th Precinct stationhouse	Precinct: 114	18 Mo. SOL 12/10/2018	EO SOL 12/10/2018	
Date/Time CV Reported Mon, 06/12/2017 5:00 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 06/16/2017 2:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)		§ 87(2)(b)
§ 87(2)(b)		§ 87(2)(b)
§ 87(2)(b)		§ 87(2)(b)
§ 87(2)(b)		§ 87(2)(b)
§ 87(2)(b)		§ 87(2)(b)
§ 87(2)(b)		§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Philip Smith	27292	948429	NARCBQN
2. LT Roddy Cortes	00000	921235	NARCBQN
3. DT3 Tyrone Grannum	1209	946587	GANG QN
4. DT3 Ricardo Moreno	343	939077	NARCBQN
5. POM Jeffrey Adaszewski	116	945457	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edward Sinclair	139	926125	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.LT Roddy Cortes	Abuse: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes stopped § 87(2)(b)	§ 87(2)(b)
B.LT Roddy Cortes	Abuse: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes stopped an individual.	§ 87(2)(b)
C.POM Jeffrey Adaszewski	Abuse: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski searched an individual.	§ 87(2)(b)
D.POM Philip Smith	Abuse: At § 87(2)(b) in Queens, Police Officer Philip Smith searched an individual.	§ 87(2)(b)
E.LT Roddy Cortes	Abuse: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes drew his gun.	§ 87(2)(b)
F.LT Roddy Cortes	Discourtesy: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes spoke discourteously to § 87(2)(b) and an individual.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.DT3 Tyrone Grannum	Discourtesy: At § 87(2)(b) in Queens, Detective Tyrone Grannum spoke discourteously to § 87(2)(b) and an individual.	
H.POM Jeffrey Adaszewski	Discourtesy: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski spoke discourteously to § 87(2)(b) and an individual.	
I.POM Jeffrey Adaszewski	Force: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski used physical force against § 87(2)(b)	
J.POM Philip Smith	Discourtesy: At § 87(2)(b) in Queens, Police Officer Philip Smith spoke discourteously to § 87(2)(b)	
K.DT3 Ricardo Moreno	Discourtesy: At § 87(2)(b) in Queens, Detective Ricardo Moreno spoke discourteously to § 87(2)(b)	
L.POM Jeffrey Adaszewski	Discourtesy: At the 114th Precinct stationhouse, Police Officer Jeffrey Adaszewski spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 12, 2017, § 87(2)(b) filed this complaint on behalf of himself, his nephew § 87(2)(b) and § 87(2)(b)'s friends, § 87(2)(b) and an unidentified individual. This complaint was received at the CCRB on June 16, 2017.

On June 10, 2017, at approximately 6:20 p.m., Lieutenant Roddy Cortes, PO Jeffrey Adaszewski, PO Philip Smith, Sgt. Edward Sinclair, and Det. Ricardo Moreno, all of Queens North Narcotics, and Det. Tyrone Grannum of Queens North Gang Squad entered the courtyard of § 87(2)(b) in Queens and stopped § 87(2)(b) and an unidentified individual (**Allegation A – B: Abuse of Authority, § 87(2)(g)**). PO Adaszewski and PO Smith searched § 87(2)(b) and an unidentified individual (**Allegation C – D: Abuse of Authority, § 87(2)(g)**). Lieutenant Cortes drew his gun (**Allegation E: Abuse of Authority, § 87(2)(g)**) and Lieutenant Cortes, Det. Grannum, and Det. Adaszewski allegedly spoke discourteously to § 87(2)(b) and an individual (**Allegation F - H: Discourtesy, § 87(2)(g)**). PO Adaszewski brought § 87(2)(b) to the ground (**Allegation I: Force, § 87(2)(g)**). PO Smith and Det. Moreno allegedly spoke discourteously to § 87(2)(b) (**Allegation J - K: Discourtesy, § 87(2)(g)**).

§ 87(2)(b) (Board Review 01), § 87(2)(b) (Board Review 02), and § 87(2)(b) (Board Review 03) were arrested for § 87(2)(b). § 87(2)(b) (Board Review 04) was arrested for § 87(2)(b). § 87(2)(b) and § 87(2)(b) were transported to the 114th Precinct stationhouse, where PO Adaszewski allegedly made discourteous statements to § 87(2)(b) (**Allegation L: Discourtesy, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) pled guilty to disorderly conduct § 87(2)(b) (Board Review 05). § 87(2)(b)'s and § 87(2)(b)'s criminal cases were adjourned in contemplation of dismissal (Board Review 06, Board Review 07) § 87(2)(b)

The CCRB obtained video footage of the incident from surveillance cameras outside of § 87(2)(b) in Queens. The original footage, which contains no audio, can be found in IA #25 (Board Review 09) and is summarized in IA #219 (Board Review 42). Snagit copies of the relevant aspects of the footage can be found below.

Findings and Recommendations

Allegation A – Abuse of Authority: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes stopped § 87(2)(b)

Allegation B – Abuse of Authority: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes stopped an individual.



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The video footage depicts § 87(2)(b) and an unidentified individual congregating inside the courtyard of § 87(2)(b). At the 00:01 mark of the video, § 87(2)(b) allegedly sells marijuana to a woman § 87(2)(e), § 87(2)(f)

§ 87(2)(e), § 87(2)(f), leading Lieutenant Cortes, PO Smith, PO Adaszewski, Det. Grannum, Det. Moreno, and Sgt. Sinclair to arrive at the location at the 1:00 mark. § 87(2)(b) and an unidentified individual, one of whom is a dark-skinned man in a white t-shirt and grey shorts, and the other of whom is a light-skinned man in a black t-shirt with grey shorts, are handcuffed. § 87(2)(b) was unavailable to the investigation (see IAs for contact attempts), and without additional testimony, the investigation was unable to identify which of these two individuals was § 87(2)(b) and which was the unidentified individual.] At the 5:12 mark, these two individuals are released and leave the location.

§ 87(2)(b) (Board Review 15) testified that he was hanging out and crushing marijuana in preparation to smoke it inside the courtyard with § 87(2)(b) and § 87(2)(b). Approximately five officers entered the courtyard and handcuffed everyone, though § 87(2)(b) was ultimately released. § 87(2)(b) did not mention the presence of an additional unidentified civilian.

The investigation was unable to establish contact with § 87(2)(b) (see IAs for contact attempts) and was unable to identify the other individual who was stopped, and ultimately released (see IAs for contact attempts). The 114th Precinct has no records of any Stop, Question, and Frisk Report Worksheets (Board Review 11, Board Review 12) prepared for § 87(2)(b) or any other individuals on the date of the incident.

§ 87(2)(g)
Lieutenant Cortes (Board Review 10), who testified that § 87(2)(e), § 87(2)(f) had engaged in a drug transaction with five individuals in the courtyard of § 87(2)(b). Immediately after the sale, § 87(2)(e), § 87(2)(f) called Lieutenant Cortes and provided physical descriptions of the individuals, who § 87(2)(e), § 87(2)(f) said were the only civilians present in the courtyard. Lieutenant Cortes was unable to recall the physical descriptions. He testified that five civilians were stopped regarding the drug sale. Lieutenant Cortes had no independent recollection of the sixth individual until he viewed the video footage. Lieutenant Cortes then testified that he authorized the release of § 87(2)(b) and the unidentified individual once § 87(2)(e), § 87(2)(f) reported that they had not participated in the drug transaction. § 87(2)(e), § 87(2)(f) confirmed the participation of § 87(2)(b) and § 87(2)(b) and these four individuals were arrested. § 87(2)(g)

An officer may stop an individual when there is reasonable suspicion to believe that individual has committed, is committing, or is about to commit a crime. People v De Bour, 40 NY2d 210 (1976) (Board Review 13).

§ 87(2)(g)
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§ 87(2)(g)

Allegation C – Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski searched an individual.

Allegation D – Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Philip Smith searched an individual.



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The video footage depicts that at the 00:02 mark, PO Adaszewski reaches his hand into the front and back pants pockets of the dark-skinned man in the white t-shirt and grey shorts. At the 0:41 mark, PO Smith reaches his hand into the front and back pants pockets of the light-skinned man in a black t-shirt and grey shorts.

As discussed, § 87(2)(b) did not mention the presence of an additional unidentified civilian and did not allege that § 87(2)(b) or an additional individual were searched. The investigation was unable to establish contact with § 87(2)(b) and was unable to identify the other individual who was searched. The 114th Precinct has no records of any Stop, Question, and Frisk Report worksheets prepared for anyone on the date of the incident.

PO Smith (Board Review 21, Board Review 38) and PO Adaszewski (Board Review 20, Board Review 39) each testified that § 87(2)(b) and the unidentified individual were detained at the time they were searched, but were never considered to be under arrest. PO Smith said he searched the individual to ensure he had no weapons, and maybe to locate his identification. PO Smith further testified that he always frisks anyone who is placed in handcuffs for his safety. PO Adaszewski said he searched the other individual because anytime someone is stopped, he needs to make sure they are not armed. Both PO Smith and PO Adaszewski acknowledged that they had no specific reason to believe either individual was armed, nor did they observe any bulges on either of their persons.

An officer must have probable cause to arrest an individual in order to search him. People v De Bour, 40 NY2d 210 (1976).

§ 87(2)(g)

§ 87(2)(g)

Allegation E – Abuse of Authority: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes drew his gun.



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The video footage depicts Lieutenant Cortes enter the courtyard with PO Adaszewski and Det. Grannum. [Lieutenant Cortes is the bald man dressed in a light grey shirt, Det. Grannum is the dark-skinned man in a black shirt and PO Adaszewski is the light-skinned man in a dark grey

shirt.] Lieutenant Cortes draws his gun at the 00:04 mark and holds his gun at his side pointed toward the ground for approximately 10 seconds until the six civilians are secured on the ground, at which point he returned it to his holster.

Lieutenant Cortes testified that he drew his gun upon entering the courtyard because he was going into an unknown situation where the civilians outnumbered the officers.

Officers have broad discretion to display their guns as a protective measure and safety response. People v Livigni, 88 AD2d 386 (1982) (Board Review 14).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation F – Discourtesy: At § 87(2)(b) in Queens, Lieutenant Roddy Cortes spoke discourteously to § 87(2)(b) and an individual.

Allegation G – Discourtesy: At § 87(2)(b) in Queens, Detective Tyrone Grannum spoke discourteously to § 87(2)(b) and an individual.

Allegation H – Discourtesy: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that Lieutenant Cortes immediately yelled, “All of you, freeze! Get the fuck on the ground! No one fucking move!” upon entering the courtyard. Det. Grannum allegedly yelled, “Get the fuck on the ground!” § 87(2)(b) remained standing, frozen in shock. PO Adaszewski approached § 87(2)(b) grabbed his right bicep, and allegedly ordered him to “Turn the fuck around!”

§ 87(2)(b) (Board Review 16) similarly testified that Lieutenant Cortes ordered everyone to “Get the fuck on the floor” and that another officer, he could not tell who, allegedly yelled, “Everybody get the fuck on the floor!”

§ 87(2)(b) (Board Review 17) similarly alleged that Det. Grannum ordered everyone to “Get the fuck on the ground.”

§ 87(2)(b) (Board Review 18) was uncooperative with the investigation.

Lieutenant Cortes testified that though could not recall his exact words, he ordered everyone to get on the ground. Lieutenant Cortes could not recall if the other officers gave any orders. Lieutenant Cortes denied that he used profanity and denied hearing any other officers do so.

Each officer interviewed who was present during this aspect of the incident acknowledged entering the courtyard and ordering the civilians to get on the ground, though none acknowledged using profanity or hearing any other officer do so.

The courts have previously given latitude to officers who used otherwise impolite words to address suspects in stressful street situations. Disciplinary Case Nos. 79627/04 (Board Review 40).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation I – Force: At § 87(2)(b) in Queens, Police Officer Jeffrey Adaszewski used physical force against § 87(2)(b)



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The video footage depicts PO Adaszewski walk up to § 87(2)(b) and grab each of § 87(2)(b)'s arms around his biceps. PO Adaszewski turns § 87(2)(b) around, and walks him towards a wall. PO Adaszewski pushes § 87(2)(b)'s chest against the wall and handcuffs him. PO Adaszewski turns § 87(2)(b) around so that his back is against the wall. PO Adaszewski keeps one hand on § 87(2)(b)'s shoulder, and with his free hand, PO Adaszewski reaches down and bends § 87(2)(b)'s left leg at the knee, causing § 87(2)(b) to be lowered onto the ground in a seated position with his back against the wall.

§ 87(2)(b) testified that PO Adaszewski ordered him to turn to around and he complied. PO Adaszewski handcuffed § 87(2)(b). PO Adaszewski ordered § 87(2)(b) to get on the ground, but § 87(2)(b) remained standing and stated that he did not do anything. PO Adaszewski put his hand on § 87(2)(b)'s shoulder, pushed downward, and pushed his leg against § 87(2)(b)'s legs, causing § 87(2)(b) to be lowered onto the ground and sustain a scrape to his left elbow and left shin.

§ 87(2)(b)'s medical records from § 87(2)(b) (Board Review 24) document that he was brought in for a psychiatric evaluation while in NYPD custody due to a prior history of Bipolar Disorder. § 87(2)(b) denied having any medical complaints and was released after approximately two hours.

PO Adaszewski testified that he approached § 87(2)(b) displayed his shield, and identified himself as a police officer. PO Adaszewski then pushed § 87(2)(b) against the courtyard wall to prevent him from fleeing. PO Adaszewski handcuffed § 87(2)(b) and placed him in a seated position to prevent flight and immediately directed his attention to the other civilians, some of whom who had not yet been handcuffed. The civilians outnumbered the officers.

According to NYPD Patrol Guide, Procedure 221-02 (Board Review 25), officers may use reasonable force under the circumstances to gain control of a person who is resisting.

§ 87(2)(g)

Allegation J – Discourtesy: At § 87(2)(b) in Queens, Police Officer Philip Smith spoke discourteously to § 87(2)(b)

Allegation K – Discourtesy: At § 87(2)(b) in Queens, Detective Ricardo Moreno spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that after he was handcuffed, he informed the officers that he was going to report them. PO Smith allegedly told § 87(2)(b) to “Shut the fuck up” and Det. Moreno allegedly told § 87(2)(b) “Fucking shut up and relax.”

§ 87(2)(b) denied that officers used profanity after they initially entered the courtyard and § 87(2)(b) made no mention of these allegations.

PO Smith testified that once handcuffed, the civilians spoke loudly, Lieutenant Cortes testified that they yelled and cursed, and Det. Grannum (Board Review 19) and Sgt. Sinclair (Board Review 22) testified that one of the white male civilians said, “Fuck this!” Det. Moreno (Board Review 23) testified that the civilians remained quiet. Each officer interviewed denied making the alleged discourteous statements and denied hearing any officer do so.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation L – Discourtesy: At the 114th Precinct stationhouse, Police Officer Jeffrey Adaszewski spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were transported to the 114th Precinct stationhouse. § 87(2)(b) testified that he was brought to the stationhouse front desk with § 87(2)(b) and § 87(2)(b). PO Adaszewski and PO Smith were also present, along with § 87(2)(b)'s father, § 87(2)(b). § 87(2)(b) told PO Adaszewski that he planned to file a complaint against the officers. PO Adaszewski allegedly told § 87(2)(b) to “do whatever the fuck you want,” that he was “a fucking nobody,” and that “not even your fucking father believes you.”

§ 87(2)(b) corroborated that he and § 87(2)(b) were brought to stationhouse front desk together. However, he denied that PO Adaszewski used any profanity toward § 87(2)(b) there.

§ 87(2)(b) could not recall § 87(2)(b)'s interactions with officers at the stationhouse, but he denied that he heard any officers use profanity toward § 87(2)(b). § 87(2)(b) was unavailable to the investigation (see IA's for contact attempts).

PO Adaszewski acknowledged being present with § 87(2)(b) at the stationhouse front desk, but he had no recollection of § 87(2)(b) talking about filing a complaint or § 87(2)(b)'s father being present. PO Adaszewski did not recall telling § 87(2)(b) to “do whatever the fuck you want,” that he was “a fucking nobody,” or that “not even your fucking father believes you.”

PO Smith testified that § 87(2)(b) never spoke about filing a complaint and that there was no conversation with § 87(2)(b) at the front desk. PO Smith denied that PO Adaszewski used any profanity towards § 87(2)(b) at the stationhouse.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s second CCRB complaint (Board Review 27). § 87(2)(b)
- This is the first CCRB complaint involving § 87(2)(b) (Board Review 28), § 87(2)(b) (Board Review 29), § 87(2)(b) (Board Review 30), and § 87(2)(b) (Board Review 31).
- Lieutenant Cortes has been a member-of-the-service for 19 years and has had five additional complaints filed against him involving 13 allegations, none of which were substantiated § 87(2)(g)
- Det. Grannum has been a member-of-the-service for 14 years and has had one additional complaint filed against him involving six allegations, none of which were substantiated § 87(2)(g)

- PO Adaszewski has been a member-of-the-service for 10 years and has had three additional complaints filed against him involving four allegations, none of which were substantiated § 87(2)(g)
- Det. Moreno has been a member-of-the-service for 12 years and has had six additional complaints filed against him involving eight allegations. In CCRB case #201504827, a physical force allegation was substantiated. The CCRB recommended Command Discipline B. However, the NYPD took no disciplinary action. None of the other allegations were substantiated § 87(2)(g)
- PO Smith has been a member-of-the-service for eight years and has had two additional complaints filed against him involving two allegations, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of February 5, 2018, a Notice of Claim has not been filed with the NYC Comptroller's Office regarding this incident (Board Review 32).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: #14

Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date